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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,931	01/19/2001	Vinodha Ramasamy	10005775-1	7462

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
VU, TUAN A	
ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/765,931

Applicant(s)

RAMASAMY ET AL.

Examiner

Tuan A Vu

Art Unit

2193

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).


13. ☐ Other: _____.

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**TODD INGBERG
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

First, the statement 'identifying a first statement allocating registers' is not an unequivocal expression of a claimed limitation. As stated and interpreted, one would wonder what is being identified, registers or statement. A claim is supposed to be clear in putting forth a feature so to enable a clear interpretation. Granted that such recital is for getting a first statement, such statement used in associating/using registers, the Eranian's reference is talking at length about using registers like allocating stacked registers for a function. The rejection has pointed out what reads on first statement that also implicitly discloses allocating registers. Second, it is not proper to allege that the reference is lacking when the claim itself does not lend any clear teaching as to how the reference would differ from the claimed feature. Obviously, the claimed statement is lacking in proper syntactic constructs clearly supporting why the registers used in Function A are improperly used when 'statement allocating registers' still looms as ambiguous. As for the argument about instrumentation, the debug and simulation as suggested in Eranian are ground for an obviousness rationale and the 'hindsight' argument is not convincing. As for the output register limitation of claim 3, the rejection has mapped what has been used in the first statement as i/p and o/p registers against the counterparts being generated in the second statement. The claim as recited does not enforce one unique way of interpreting what constitutes a i/p or a o/p registers; thus the arguments amount to mere allegation clinging on a broadly recited limitation. As for claim 4, again the rejection has specified what has been construed as i/p and o/p by one skill in the art in light of what is claimed. Applicant's allegation putting forth the connotation involving the integer N and O seems to stem from the specifications more than from a broad reasonable interpretation of the claims; and it is reminded that the rejection has considered those integer numbers to be as broad as possible unless the claim successfully delimits their scope. In short, the claim SYNTAX is not lending to a clear and distinct teaching as to enforce a specific feature deemed essential. As an example, in claim 1, the clause 'the first statement IS associated with ... code' (an independent clause within a pending independent clause) being used in a middle of a clause starting with 'identifying ... ' -- enclosed in a listing-- is one example proving that the claim language has not been founded on expected or sound syntactic or even grammatical basis. Hence, inter alia, the arguments fail to persuade why the rejection has failed to meet the invention as claimed; and stand rejected as previously recorded.



TODD INGBERG
PRIMARY EXAMINER